

Ranking Members Call on Issa to Withdraw NLRB Subpoena

After Judge Rejects Boeing's Arguments, Issa Escalates Investigation to Judge's Actions

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Washington, DC – Today, the Ranking Members of the Committees on Oversight and Government Reform, Education and the Workforce, and the Judiciary [wrote to Oversight Committee Chairman Darrell Issa](#) urging him to withdraw his unilateral subpoena demanding documents from the National Labor Relations Board relating to its investigation of Boeing's alleged discrimination against workers in Washington State.

Issa launched his investigation purportedly to determine whether Board officials "exceeded their authority" by filing a complaint alleging that Boeing violated federal law by moving production of its 787 Dreamliner to South Carolina because workers in Washington State were exercising their rights to strike under federal law. Issa also asserted that Board officials were "overreaching" when they sought a remedy of returning the production line to Washington State.

An administrative law judge, considering nearly identical arguments made by Boeing in the company's motion to dismiss the case, recently ruled that all of these arguments were "without merit and should be denied." The court also rejected Boeing's claims that "various economic horrors" would occur if the production line were returned to Washington State.

Despite [the court's ruling](#), and despite a [request from all Oversight Committee Democrats](#) to reconsider the scope of the investigation, Issa took the opposite approach and expanded the Committee's investigation. Last Sunday, he served a unilateral subpoena that demands an entirely new set of documents never before requested. Without any Committee debate or vote, the subpoena demands the production of documents relating not only to the actions of the Board, but also to the actions of the administrative law judge currently in the process of deciding this case.

In their letter, Ranking Members Elijah E. Cummings, George Miller, and John Conyers, Jr. urged Issa to reconsider his approach. They wrote:

“You may personally disagree with the laws Congress enacted to protect workers against discrimination. You may also disagree with the judge’s decision in this case upholding those laws. But it is not a legitimate use of the Committee’s authority to circumvent those laws on behalf of corporate interests.”

“We are aware of no precedent for your actions, and we are particularly concerned that they are taking us down a dangerous path of interfering directly with the decisions of prosecutors and even of judges who are charged with carrying out the laws Congress enacted,” the Ranking Members wrote. “We urge you to reconsider your approach, to withdraw your subpoena, and to identify a legitimate purpose for this investigation before taking any further steps.”

The Ranking Members also urged Issa to “work with the Board to come to a mutually agreeable compromise that allows both the Board and the Committee to fulfill their respective functions without undue interference.”

Last week, [34 law professors also wrote to Issa](#) challenging the propriety and legitimacy of his investigation and urging him to allow the Board to “do its job without undue interference.”

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